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REMARKS

Claims 1-6 and 8-14 are pending in the application.

In paragraph 2 of the office action, the Examiner rejected claims 1, 3-6 and 8-14 under 35 USC 103(a) as being unpatentable over Bateman et al. in view of Grossman et al., Srinivasan and Nichols et al.

In response, applicant submits the Declaration of Malcom Strandberg as evidence that Bateman et al., Grossman et al., Srinivasan and Nichols et al., whether considered separately or all together, fail to teach or suggest the invention to one of ordinary skill in the art because they contain absolutely no recognition of the problem solved by the present invention and provide no motivation to one of ordinary skill in the art to combine or modify the references in such a way as to arrive at the claimed invention. As set forth in the accompanying Declaration of Malcom Strandberg, each of the foregoing references addresses problem(s) completely different from the problem(s) solved by the present invention.

In particular, the problem solved by the present invention is how best to connect a telephone call to an inquiring party using a telephone line when the inquiring party has prompted the call by

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accessing a computer network using said telephone line. (See Strandberg Declaration at paras. 5 and 6). The present invention is based upon the recognition that the best time to respond to the inquiring party's request is immediately, and further that the inquiring party's telephone line will be busy until he has ended his modem's connection to the network over the telephone line. Accordingly, the systems and methods of the present invention immediately redial the inquiring party's telephone number when a busy signal is detected so as to connect the call as soon as possible after the inquiring party has ended his modem's connection to the network over the telephone line. (Id. at para. 5).

Bateman concerns a system for allowing a call center agent and a customer to simultaneously talk on the telephone and view information available on a computer network over a telephone line and separate second network connection. (Id. at para. 6). Because the agent in the Bateman system calls the customer back on a separate line than the line that the user uses to access information on the computer network, Bateman suggests nothing about how to best call back an inquiring party on the same line that the inquiring party used to access information on the

computer network. (Id.).

As noted by the examiner, Grossman concerns methods and systems for optimizing telephone contact campaigns and has nothing to do with how or when is the best time or way to contact an inquiring party who has requested a callback by accessing a computer network over a telephone line. (Id. at para. 7).

Srinivasan concerns an automatic callback arrangement for automatically returning a call at a time specified by the original caller, possibly using the same line that the user used to trigger the callback. (Id. at para. 8). The systems and methods of Srinivasan, however, only concern connecting calls to parties who have requested callbacks by using the telephone. (Id.). Srinivasan contains no teaching about how to connect a call to a party who has requested a callback while using a telephone line to connect to a computer network. (Id.). The difference is significant because the problems raised by each scenario are completely different. (Id.). The user who requests a callback by telephone (as described by Srinivasan) would most likely hang-up the phone immediately after requesting the callback thereby making the line immediately available. (Id.). By contrast, an inquiring party using a computer connected to a network is very likely to

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continue using the line to access additional information on the network after requesting a callback. (Id.).

Finally, Nichols concerns a teleradiology system, and is apparently only even arguably relevant because of the immediate re-dial feature of the modem described therein. In particular, Nichols discloses a modem that makes three immediately consecutive attempts to connect before "giving-up." (Id. at para. 9; Nichols at col. 26, lines 42-45). This teaches away from the present invention because, while it teaches immediately redialing the number, it also teaches "giving-up" after 3 attempts. (Id.). Clearly, Nichols does not recognize the problem solved by the present invention or it would not suggest stopping the redialing after only 3 attempts. (Id.). Nor does Nichols provide a solution since the system of Nichols, even if viewed in the context of connecting a telephone callback as opposed to connecting a modem, would fail to make a connection if the inquiring party stays connected to the computer network for a period of time longer than the brief period it takes for a modem to dial a number and sense a busy signal 3 times in a row. (Id.).

Thus, it is clear that no combination of Bateman et al., Grossman et al., Srinivasan and Nichols et al. teaches or suggests

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the present invention to one of ordinary skill in the art. Accordingly, applicant submits that the rejections of claims 1, 2-6 and 8-14 under 35 USC 103(a) as being unpatentable over Bateman et al. in view of Grossman et al., Srinivasan and Nichols et al. are improper and should be withdrawn.

In paragraph 3 of the office action, the Examiner rejected claim 2 under 35 USC 103(a) as being unpatentable over Bateman et al. in view of Grossman et al., Srinivasan and Szlam et al.

Szlam et al. concerns a method for termination of outbound calls and is cited for the call pacing algorithm discussed therein. Thus for the reasons set forth above, Szlam et al. clearly contains no teaching concerning the problem or the solution thereto addressed by the present invention. Accordingly, the rejection of claim 2 under 35 USC 103(a) as being unpatentable over Bateman et al. in view of Grossman et al., Srinivasan and Szlam et al. is also improper and should be withdrawn.

Finally, in paragraph 4 of the office action, the examiner rejected claims 1 and 10 under 35 USC 103(a) as being unpatentable over Dezonno et al., Srinivasan and Nichols et al.

The Dezonno et al. reference concerns a system for scheduling and completing call back requested by an inquiring party.

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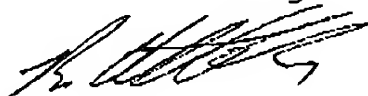Filed: April 9, 1998
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Notably, however, Dezonno et al. teaches a system that requires the user to specify a preferred call back time. As a result, Dezonno shows neither a recognition of the problem solved by the present invention nor a solution that is even remotely suggestive of the claimed solution. In fact, Dezonno et al. actually teaches away from the present invention. Moreover, neither Srinivasan nor Nichols et al. cure these deficiencies in Dezonno et al. Accordingly, applicant submits that the rejections of claims 1 and 10 under 35 USC 103(a) over Dezonno et al., in view of Srinivasan and Nichols et al. are improper and should be withdrawn.

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In view of the foregoing, applicant believes that all of the pending claims are in condition for allowance and requests early and favorable action on the merits. The examiner is invited to telephone the undersigned, applicant's attorney of record, to facilitate advancement of the present application.

Respectfully submitted,

Malcom B. Strandberg

By _____

R. Anthony Diehl
Registration No. 38,432
Attorney for Applicant(s)

BOURQUE & ASSOCIATES, P.A.
835 Hanover Street, Suite 301
Manchester, New Hampshire 03104

Telephone: (603) 623-5111
Facsimile: (603) 624-1432

Date: 2/26/2002